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OFFICE OF PETITIONS

In re Application of

Wolfgang Wuttke et al

Application No. 09/646,740

Filed: September 18, 2000

Attorney Docket No. 43687/AW/W338

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2004, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 10/951,583, filed September 27, 2004.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Files Repository.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

CHRISTIE, PARKER & HALE CYNTHIA A. BONNER P.O. BOX 7068 PASADENA CA 91109-7068



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

REVISED FEE SCHEDULE

H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) was signed by the President and enacted into law on December 8, 2004 (Public Law 108-447). The Consolidated Appropriations Act revises certain patent application and maintenance fees; provides separate fees for a basic filing fee, a search fee, and an examination fee; and requires an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee). In addition, the trademark application fee, per class, is revised if submitted by paper or electronically using the Trademark Electronic Application System (TEAS).

Notices will be published in the Federal Register and in the Official Gazette of the United States Patent and Trademark Office to provide additional information.

Any fee amount paid on or after December 8, 2004 must be paid as shown in the revised fee schedule, which reflects when the old filing fees still apply. However, fee amounts paid on or after the following dates for the fees below are subject to the revised fee schedule:

- January 31, 2005, for 37 CFR 2.6(a)(1)(i) and (ii); and
- February 1, 2005, for 37 CFR 1.492(b)(1), (b)(2), and (c)(1).

The fee schedule is available on our Web site at www.uspto.gov. The most up-to-date fee amounts and information, as well as the complete listing and description of fees, are also available on our Web site. Any future changes to the fees will be posted to the Web site. If you have any questions related to patents and trademarks, please call the USPTO Contact Center at (703) 308-4357 or (800) 786-9199, or by fax at (703) 305-7786.

H. UNNE BYMAND. Jo-Anne Barnard

Chief Financial Officer and Chief Administrative Officer

UNITED STATES PATENT AND TRADEMARK OFFICE Effective December 8, 2004*

Any fee amount paid on or after December 8, 2004, must be paid as shown in the revised fee schedule. The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column. For additional information, please call the USPTO Contact Center at (703) 308-4357 or (800) 786-9199.

^{*}The effective date for the fee amounts in 37 CFR 2.6(a)(1) is January 31, 2005.

The effective date for the fee amounts in 37 CFR 1.492(b)(1), (b)(2), and (c)(1) is February 1, 2005.

Fee				
Code	37 CFR	Description	Fee	mall Entity Fee (if applicable)
	<i>57</i> C11	Description	100	(ii appiicable)
Patent Appl	lication Filing F	Pees		
1011/2011	1.16(a)(1)	Basic filing fee - Utility filed on or after December 8, 2004	300.00	150.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) filed on or after December 8, 2004	N/A	
1001/2001	1.16(a)(2)	Basic filing fee - Utility filed before December 8, 2004	790.00	75.00
1201/2201	1.16(h)	Independent claims in excess of three	200.00	
1202/2202	1.16(i)	Claims in excess of 20	50.00	
1203/2203	1.16(j)	Multiple dependent claim	360.00	
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	250.00	
1012/2012	1.16(b)(1)	Basic filing fee - Design filed on or after December 8, 2004	200.00	
1002/2002	1.16(b)(2)	Basic filing fee - Design filed before December 8, 2004	350.00	
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) filed on or after December 8, 2004	200.00	
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) filed before December 8, 2004	350.00	
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	250.00	
1013/2013	1.16(c)(1)	Basic filing fee - Plant filed on or after December 8, 2004	200.00	
1003/2003	1.16(c)(1)	Basic filing fee - Plant filed before December 8, 2004	550.00	
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	250.00	
1014/2014	1.16(e)(1)	Basic filing fee - Reissue filed on or after December 8, 2004	300.00	
1004/2004	1.16(e)(2)	Basic filing fee - Reissue filed before December 8, 2004	790.00	
1019/2019	1.16(e)(2) 1.16(e)(1)	Basic filing fee - Design Reissue (CPA) filed on or after December 8, 2004	300.00	
1009/2009	1.16(e)(1) 1.16(e)(2)	Basic filing fee - Design Reissue (CPA) filed before December 8, 2004		
1204/2204	1.16(e)(2) 1.16(h)	Reissue independent claims in excess of three	790.00 200.00	
1204/2204	1.16(i) 1.16(i)	Reissue claims in excess of 20	50.00	
1084/2084	1.16(s)	Reissue Application Size Fee - for each additional 50 sheets		
1005/2005	1.16(s) 1.16(d)	Provisional application filing fee	250.00	
1005/2005	1.16(a) 1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	200.00 250.00	
1052/2052	1.16(s) 1.16(g)	Surcharge - Late provisional filing fee or cover sheet		
1052/2052	1.10(g) 1.17(i)	Non-English specification	50.00	
1055	1.17(1)	Non-English specification	130.00	
Patent Searce	sh Fees	·		
1111/2111	1.16(k)	Utility Search Fee	500.00	250.00
1112/2111	1.16(k) 1.16(l)	Design Search Fee		
1113/2113	1.16(n) 1.16(m)	Plant Search Fee	100.00	
1113/2113	1.16(m) 1.16(n)	Reissue Search Fee	300.00 500.00	150.00 250.00
1117/2117	1.10(11)	Reissue Scaleli Fee	300.00	230.00
Patent Evan	nination Fees		•	
1311/2311	1.16(o)	Utility Examination Fee	200.00	100.00
1312/2312	1.16(p)	Design Examination Fee	130.00	65.00
1313/2313	1.16(p) 1.16(q)	Plant Examination Fee	160.00	80.00
1314/2314	1.16(q) 1.16(r)	Reissue Examination Fee	600.00	300.00
1314/2314	1.10(1)	Reissue Examination Fee	000.00	300.00
Patent Post	Allowance Fee	· \$		
1501/2501	1.18(a)	Superior Street	1,400.00	700.00
1501/2501	1.18(a) 1.18(b)	Design issue fee	800.00	400.00
1502/2502	1.18(b) 1.18(c)	Plant issue fee	1,100.00	550.00
1511/2511	1.18(c) 1.18(a)	Reissue issue fee	1,400.00	700.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	700.00
1505	1.18(d)	Publication fee for republication	300.00	
1505	1.10(4)	i donouron for for republication	500.00	

[†] The 4000 series fee code may be used via EFS at http://www.uspto.gov/ebc/efs/.

^{*} Reduced by basic filing fee paid.

Fee Code	37 CFR	Description	Fe
Joue	37 CFR	Description .	
Frademark	Processing Fees	,*	
5001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.0
001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.0
002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.0
002/7002	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.0
004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use	
00 11 100 1	(-)(-)	under § 1(d)(1), per class	150.
005/7005	2.6(a)(15)	Petitions to the Director	100.
006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.
201/7201	2.6(a)(5)	Application for renewal, per class	400.
203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.
204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.
205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.
206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.
207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.
208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.
210	2.6(a)(7)	Publication of mark under § 12(c), per class	100
211	2.6(a)(8)	Issuing new certificate of registration	100
212	2.6(a)(9)	Certificate of correction, registrant's error	100
213	2.6(a)(10)	Filing disclaimer to registration	100
214	2.6(a)(11)	Filing amendment to registration	100.
401/7401	2.6(a)(11)	Petition for cancellation, per class	300
402/7402	2.6(a)(17)	Notice of opposition, per class	300
403/7403	2.6(a)(18)	Ex parte appeal, per class	100
, 105/ / 105	2.0(4)(10)	2 p	
Frademark	Madrid Protoco	ol Fees*	
5901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.
5902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.
903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.
904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.
905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.
906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100
5907/7907	7.6(a)(7)	Transmitting a subsequent designation	100
	(=)(.)		
	Service Fees		_
3501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3
3503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.
3504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.
3507	2.6(b)(2)	Certified copy of trademark application as filed	15.
508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.
513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.
514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.
3902	2.6(b)(9)	Self-service copy charge, per page	0.
3521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40
3522	2.6(b)(6)	For second and subsequent marks in the same document	25
3523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40
3524	2.6(b)(11)	Unspecified other services, excluding labor	AT CO
Fastener O	uality Act Fees	December annihilation for	20
	7 7/61	Itaaandal amalaaakan taa	.70

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2.7(a)

2.7(c)

2.7(b)

Recordal application fee

Renewal application fee.....

Late fee for renewal application

20.00

20.00

20.00

^{*} The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at www.uspto.gov/teas/. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
			•	
	National Stage			
1631/2631	1.492(a)	Basic National Stage Fee	300.0	
1641/2641	1.492(b)(1)	National Stage Search Fee - U.S. was the ISA	100.0	
1642/2642	1.492(b)(2)	National Stage Search Fee - search report prepared and provided to USPTO	400.0	
1632/2632	1.492(b)(3)	National Stage Search Fee - all other situations	500.0	00 250.00
1643/2643	1.492(c)(1)	National Stage Examination Fee - U.S. was IPEA, and all claims satisfy PCT Article 33(1)-(4)	100.0	00 50.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	200.0	00 100.00
1614/2614	1.492(d)	Claims - extra independent (over three)	200.0	100.00
1615/2615	1.492(e)	Claims - extra total (over 20)	50.0	25.00
1616/2616	1.492(f)	Claims - multiple dependent	360.0	00 180.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	250.0	00 125.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.0	00 65.00
1618	1.492(i)	English translation after 30 months from priority date	130.0)0
	International St	age	200.6	20
1601	1.445(a)(1)	Transmittal fee	300.0	
1602	1.445(a)(2)	PCT search fee - no prior U.S. application filed under 35 USC 111(a)	1,000.0	
1603	1.445(a)(2)	PCT search fee - prior U.S. application filed under 35 USC 111(a)	300.0	
1604	1.445(a)(3)	Supplemental search fee per additional invention	1,000.0	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.0	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.0	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.0 Variabl	
1619		Late payment fee		
1620		Confirmed precautionary designation - confirmation portion	52.00	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.0	
1624		Confirmed precautionary designation - designation portion	104.00) -
DCT Fees to	WIPO or EPO	**		
1701	J WII O OI LI O	International filing fee (first thirty pages) - PCT Easy	1,053.0	00
1701		International filing fee - (first thirty pages)	1,134.0	
1702		Supplemental international filing fee (for each page over thirty)	12.0	
1703		International search (EPO)	1,920.0	
1704		Handling fee	162.0	
1703	•	International CD applications	4,800.0	
1706		International CD applications	.,	
Patent Enro	llment Fees			•
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.0	00
9003	1.21(a)(2)	Registration to practice or grant limited recognition under § 11.9(b) or (c)	100.0	00
9004	1.21(a)(3)	Reinstatement to practice	40.0	00
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.0	00
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.0	00
9010	1.21(a)(1)	For test administration by commercial entity	200.0	00
	(ii)(A)			
9011	1.21(a)(1) (ii)(B)	For test administration by the USPTO	450.0	00
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under § 11.2(c)	130.	00
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under	130.	
9014	1.21(a)(10)	§ 11.2(d)	1,600.	
		misdemeanors	1,000.	00

^{*} PCT fee codes 1620 and 1624 only apply to international applications filed prior to January 1, 2004.

^{**} WIPO and EPO fees subject to periodic change due to fluctuations in exchange rate. Refer to the Official Gazette of the United States Patent and Trademark Office for current amounts.

Fee		
Code	37 CFR	Description
Datant C	ervice Fees	
<u> 18001</u> 18001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means
8003	1.19(a)(1) 1.19(a)(2)	Printed copy of plant patent in color
3003 3004	1.19(a)(2) 1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing
3004	1.19(a)(1) 1.19(a)(1)	Patent Application Publication (PAP)
003 007	, , , ,	Copy of patent application as filed
	1.19(b)(1)(i)(A)	
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages
009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof
8010		Certification of patent-related file wrapper and (paper) contents
011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)
012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)
3041		Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1);
–	\-/ \- /\-/\-/	first physical electronic medium in a single order
042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in
	1.10(1.)(0)(1)	§ 1.19(b)(2)(i)(A)
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1);
		provided electronically other than on a physical electronic medium
013	1.19(b)(3)	Copy of office records, except copies of applications as filed
014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent
904	1.19(c)	Library service
015	1.19(d)	List of U.S. patents and SIRs in subclass
016	1.19(e)	Uncertified statement re status of maintenance fee payments
017	1.19(f)	Copy of non-U.S. document
050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than
.i.o	1.01/)	that generally provided by Director, to be decided in accordance with merits
018	1.21(c)	Disclosure document filing fee
019	1.21(d)	Local delivery box rental, annually
)20	1.21(e)	International type search report
902	1.21(g)	Self-service copy charge, per page
021	1.21(h)	Recording each patent assignment, agreement or other paper, per property
022	1.21(i)	Publication in Official Gazette
023	1.21(j)	Labor charges for services, per hour or fraction thereof
024	1.21(k)	Unspecified other services, excluding labor
025	1.21(1)	Retaining abandoned application
026	1.21(n)	Handling fee for incomplete or improper application
027	1.296	Handling fee for withdrawal of SIR
		CENEDAL PERC
		GENERAL FEES
	Service Fees	·
201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account
202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance
202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account
101	1.21(m) or	Processing each payment refused or charged back
	1.2 1(III) UI	I rooossing each payment refused of charged back

Computer records AT COST

Computer Service Fees 8031/8531